Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of:	**)**
	)
	) CC Docket No. 21-93
The Emergency Connectivity Fund	**)**
For Educational Connections and Devices to	**)**
Address the Homework Gap during the Pandemic	**)**
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COMMENTS FROM THE STATE OF ALASKA REGARDING
THE EMERCENCY CONNECTIVITY FUND FOR EDUCATIONAL
CONNECTIONS AND DEVICES TO ADDRESS THE HOMEWORK GAP
DURING THE PANDEMIC
(DA 21-318)
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Introduction:

The Alaska Department of Education and Early Development (DEED), along with the Alaska State

Library (ASL), submits these Comments in response to Public Notice DA 21-318 seeking public input on

the promulgation of regulations for the Emergency Connectivity Fund (ECF), which has been identified

within the American Rescue Plan Act of 2021.

Discussion:

DEED and ASL are happy to provide responses to many of the questions posed in DA 21-31 regarding

the rule making of the ECF during this initial comment phase. Alaska is comprised of approximately 325

cities/villages organized into 20 boroughs and 54 school districts. 243 of those cities/villages have a

public school[1] and 96 have a public library.[2] Two of the boroughs are designated _Urban_ in the USAC

database and are represented by only two of our school districts. Eighteen of Alaska's boroughs are

designated _Rural_ and are represented by the remaining 52 school districts. Only 11 of these 52 remaining

school districts are on the Alaska road system.

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[1], Alaska Public School Database/Cities, Alaska Department of Education and Early Development.
    https://education.alaska.gov/DOE_Rolodex/SchoolCalendar/Home/Cities
[2] Alaska Library Technology Summary, Library Technology Guide.
    https://librarytechnology.org/libraries/public.pl?State=Alaska

The average discount for rural school districts and their associated libraries in Alaska is 82%, according to the FY21 E-rate Form 471 filings[3]. This discount rate, when compared to the USAC/SLD discount matrix, informs us that in rural Alaska our average household is at the 50 to 75% poverty level. This data is supported by US Census data estimates from 2019, which state that thirty four percent (34.5%) of the Alaska (civilian) labor force is unemployed.

An understanding of Alaska's unique geography and its communities that are often not just rural, but *remote*, are reflected in our comments. We appreciate the opportunity to provide input for the development of ECF rule making by sharing the rural remote perspective. Alaska's communities often feel misrepresented by FCC Form 477 data collection where service providers are asked to self-report the availability of broadband. Census block reporting can be very misleading, where only one subscriber needs be represented and the entire block is reported as connected. The largest census block in the United States is in Alaska and is larger than the state of Connecticut. US Census data references percentages between 80 and 90% *access* to broadband in Alaska while the Alaska Broadband Plan (2019) states "only 64.3% of Alaskans are served by mobile LTE wireless service at 10Mbps downstream/3mb upstream."[4] This disconnect between what is reported and what is reality in our villages helps to formulate our comments. We encourage the Commission to prioritize connecting those applicants that are currently unconnected and provide a streamlined application process that, wherever possible, mirrors the existing E-rate framework already familiar to applicants.

We are optimistic that we will soon be seeing the end of a global pandemic, but would like to suggest that whatever regulations the Commission generates for this particular situation, could be replicated again in the case of future national crisis. Lastly, before we address the specific questions of the NPRM, we encourage the Commission to look at the present filings of the Emergency Broadband Benefit (EBB) Program which overwhelmingly support the allowance of off-campus use of E-rate supported bandwidth during emergency school/library closures due to the COVID-19 pandemic. We believe that to be the most cost effective first step to addressing the digital homework gap. Releasing that "stranded connectivity" during school/library closures to the students and patrons it was intended to serve would be a large step forward toward the goals of this NPRM. The Alaska State Library filed reply comments in the response to the Wireline Competition Bureau's DA 21-98 DA request for comment on petitions for emergency relief

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[3] USAC Download FCC Form 471, Funding Year 2021, Alaska, Original form Version.
https://data.usac.org/publicreports/Forms/Form471Detail/Index
[4] A Blueprint for Alaska's Broadband Future: Updated and Revised 2019. The Denali Commission. December 11, 2019https://secureservercdn.net/198.71.233.52/02e.11d.myftpupload.com/wp-content/uploads/2019/12/2019_Alaska_Broadband_Plan_Final-1.pdf

to allow the use of E-rate funds to support remote learning during the COVID -19 pandemic[5], WC Docket No. 21-31 and our Aleutians East Borough School District was one of the petitioners referenced in the EBB docket[6].

Administration of the Emergency Fund

The State of Alaska encourages the Commission to target those students and households that currently have no broadband connectivity, and, to the extent possible, prioritize those households. The specific broadband adoption goals should be to increase the number of connected homes and other identified crisis centers/homeless shelters that may house individuals during the COVID-19 pandemic. The Alaska State Library provides free statewide access to 50 databases, including a number of databases targeted to students, and also provides a resource called Live Homework Help. Usage statistics of Live Homework Help show a 45% increase in usage demand by our students over the previous six months.[7] All of these require an internet connection. These are communities without a McDonalds or a Starbucks or other locations offering free wi-fi access. These are locations where food is flown in and transportation is via a snow machine or a 4-wheeler. When the pandemic closed our libraries, publicly-available internet in our villages disappeared.

We believe that a baseline against which the Commission could measure the impact of this $7.17 billion fund would be to track the advancement in percentage of the number of households and students with access to both a device and a broadband connection. While a large percentage of the students in Alaska have been issued 1:1 devices for educational purposes, many of those students lack the home connectivity to interact with their teacher. Prior to the pandemic, it was common for the local library after school hours to see a big influx of village students who wanted to continue their academic studies. We believe that it is unrealistic to set minimum goals *that become requirements for eligibility* in locations such as these that would otherwise seem reasonable in locations that have a road system. We encourage the Commission to understand that rural networks may not initially be able to support any minimums established and that any connectivity, where there previously was none, is an important step to measure.

The Commission is encouraged to set performance goals for USAC with respect to the administration of these ECF dollars and the application window, application review and funding commitment notification,

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[5] Alaska State Library WC 21-31 Addressing the Homework Gap, FCC Reply Comments, submitted 2.22.23 doc. https://www.fcc.gov/ecfs/search/filings?q=filers.name:(*Alaska%20state%20library*)&sort=date_disseminated,DESC

[6] Aleutians East Borough School District Waiver Request Relating to Off-Campus Use of Existing E-rate Supported Bandwidth. https://ecfsapi.fcc.gov/file/10404360816908/Aleutians%20East%20Petition%20for%20Waiver%20.pdf

[7] Live Homework Help, Alaska State Library, March 21 statistics. Tudor.Com 2021_03) Report by Location with Summary.

as well as invoicing. We encourage the Commission to adopt the goal of 30 days for application processing and 30 days for invoicing payments. Further, we recommend a 30-day processing commitment for service substitutions and invoice deadline extension request. Due to the national demand for equipment purchases, we anticipate the "backorder" of equipment to be significant and a timely remedy must be available to applicants.

We believe that it would be appropriate for the Commission to adopt goals relevant to this one-time fund that any staff student or library patron lacking an end user device be furnished one, provided they have the means of accessing broadband for an educational purpose.

Eligible Equipment and Services

The State of Alaska encourages the Commission, wherever possible, to maintain consistency in terms and eligibility between the existing USF/E-rate program and the Emergency Connectivity Funds. To this end, we support the Commission's proposal to fund only that equipment and services that are needed to provide the connectivity required to enable remote learning for students, staff and patrons. Specifically, we believe that eligible service should include, but not be limited to cable, DSL, satellite, microwave, fiber, delivered by fixed or LTE networks, CRBS tower service, and TV White Spaces. We believe that these services should include basic instillation, taxes, and fees. Fixed broadband connections to the home are a better tool based upon the rural network capabilities currently in existence and are the preferred method for Alaska, where possible. Microwave delivery that utilizes fixed wireless technology between towners is common in Alaska as well, and while the NPRM does not mention this, we would like to go on record as saying that microwave delivery of broadband to the home or off campus location should be included in the list of eligible service modes.

Eligible equipment should include that equipment necessary to receive and/or broadcast LTE networks or fixed bandwidth, including LTE antennas, air cards and mobile hot spots, as well as all of the items of found in FCC Order DA 20-1418, Appendix B, pages 9 and 13 of the Eligible Services List, Category 2 Internal Connections.[8] Eligible equipment should also include an end user device that must be able to support interactive videoconferencing platforms and other software necessary to ensure full participation in remote learning activities. The proposed $300 per device allocation is an appropriate figure.
 We agree that smartphones and construction of new fiber network buildout should not be eligible for support from this fund. Because they are not currently eligible under the existing Eligible Services List, we encourage the Commission to clarify that air cards and wireless hot spots, as well as end user devices

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[8] DA 20-1418, Appendix B, pgs. 9 & 13. https://docs.fcc.gov/public/attachments/DA-20-1418A1.pdf

defined as laptop, tablet, or similar end user device, are eligible. We do not support desktop devices as eligible equipment, with the exception of students or patrons with disabilities.

As stated in our introduction, Alaska encourages the Commission to issue recommendations, but not to issue minimum standards and data thresholds that determine eligibility. We are confident that there are many areas of rural Alaska where households and students would not achieve eligibility because of the lack of infrastructure that exists today. The Executive Director of the Alaska Telecom Association shares the following: *"In remote areas the wireless networks are often going to be limited in speed and capacity. Instead I'd recommend using the new Fund to purchase a fixed broadband connection at the students' homes wherever possible. This will provide a more reliable and probably much more robust service. Hopefully each district will be talking with the providers in their district to see what the best solution is."*[9]

Alaska would respectfully request that the Commission refrain from establishing specific standards beyond the widely recognized 25Mb/3Mb best practice *goals* for connectivity. There are many situations in rural Alaska where this goal is not possible, given existing infrastructure. We firmly believe that *some* connectivity is better than *no connectivity*. In establishing minimum connectivity standards, we feel the Commission may unintentionally exclude students and households where minimum service standards are not possible. We are not opposed to guidelines and recommendations. Alaska was reported by High Speed Internet (which collects self-reporting by providers) to have an average download speed of 8Mbps and that the fastest cities have an average download of 12Mbps. If you combine our low current download with the low broadband adoption rate, you see that rural remote Alaska is starting from a very low position. Add to that, the *type* of connectivity that Alaskan's currently subscribed to, according to High-speed Internet, 2021[10] is 44% Satellite delivered internet, which carries a higher cost to deliver.

Alaska believes that these funds should be broadly available for hot spots to be established in not-for-profit locations that serve and shelter our students and communities. We believe that one connection per location for fixed broadband services is appropriate, provided that additional equipment be allowed for location. We support the purchase of Wi-Fi hotspots on busses, book mobiles, library or school kiosks, homeless shelters, and not for profit tribal and community centers. During times of school and/or library closure, these are often the only locations welcoming the public in rural communities.

We support the Commission's proposal to require schools and libraries to collect documentation in an asset registry and to prohibit more than one connected device to a students, staff or patrons. The degree of recordkeeping suggested in the NPRM, however, should be limited to an asset registry of location, make,

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[9] O'Connor, Christine. Executive Director, *Alaska Telecom Association*. http://www.alaskatel.org/
[10] Highspeed Internet.com: Internet providers in Alaska. 2021 https://www.highspeedinternet.com/ak

model, serial number. Requiring individual names and addresses can be viewed as a violation of privacy under FERPA, as these devices and the associated equipment are more likely to be issued to the lower economic households. Because this is a limited time program, we encourage the Commission to create a document retention policy that reflects this and suggest that retention of ECF documents be two (2) fiscal years beyond the declared pandemic end date.

<u>Eligible Uses</u>

We agree that the equipment and services purchased with funding from ECC be used primarily for educational use. We also agree that incidental use should not be required to be cost allocated out or otherwise a means for disqualification.

We believe that reimbursement for eligible purchases should be allowed retroactively dating back to April 1, 2020, which we believe to be the start of the first full month in which applicants would have taken delivery of equipment or ordered additional services to address the pandemic and school closures. We encourage the Commission to allow applicants to use existing contracts or other agreements that have been competitively bid without the filing of an FCC Form 470, thereby providing an exemption from the FCC Form 470 and all of its requirements. All applicants must still comply with their state and local procurement rules. Where the services are commercially available to the public with advertised rates, those services should be exempt from the FCC Form 470 process. To the extent that the Commission determines bids are required, 14 days is reasonable.

We encourage the Commission to adopt a budget approach for each eligible entity. While helping to ensure that the ECF availability is there for all applicants, this approach also has the benefit of encouraging applicants to determine what is cost effective. The applicant has a need to make their ECF dollars stretch to accomplish their connectivity goals. With 100% reimbursement, the incentive to safeguard against program waste is low, but with a cap on this fund for each individual applicant, that incentive is raised significantly.

<u>Funding Caps</u>

What we suggest is that applicants be incentivized to make their ECF dollars stretch by placing limits on the amount that a particular applicant may apply for, similar to the current Category 2 budgets afforded applicants in the E-rate program. Prior to the Modernization Order Category 2 funds (which were then called Priority 2) were not sufficient to fund all applicants, with the exception of one funding year. What applicants experienced, without caps, was that some high discount locations "gobbled up" the majority of the funding and others were left out. The incentive to safeguard against program waste was a much lower bar without funding caps. With the adoption of budget caps based upon quantitative measures, we now

have infrastructure funds available to all. We also believe that while equipment costs (other than shipping) may not significantly vary from one geographic location to another, service costs vary greatly depending upon geography and service type. Satellite service that is common to rural America costs approximately four times the amount of accessing a local Wi-Fi hotspot.[11] For this reason we are suggesting that there be an accommodation for *rural* applicants. We also believe that the *poverty level* of a school or library should be considered in any metric used to allocate funds. The Commission has correctly identified these 2 factors as being worthy of consideration in the current E-rate funding formulas. We believe that those same considerations should be incorporated into any ECF funding distribution.

To incorporate the impact of both rurality and poverty on a home's ability to access internet connectivity, we are suggesting that the applicant's FY21 discount rate be used in the calculation of their eligible ECF budget. The current Universal Service Fund's E-rate support mechanism looks at the poverty level of the area and applies that poverty percentage to a discount matrix. This matrix also makes allowance for the variance in cost due to rural versus urban location. We believe that has served our E-rate community well over the years and we are suggesting that it is the logical basis upon which to build the ECF funding distribution mechanism. It is already established and is clearly understood by the school and library applicants.

Schools FY21 C1 discount % $\times$ 1.4 $\times$ 100 = per pupil budget
Ex: .70 (discount) x 1.4 (suggested multiplier) x100 = $98 per pupil 75 per school minimum

Libraries FY21 C1 discount % $\times$ 200 = per square ft. budget
Ex: .70 (discount) x 200 (suggested multiplier) = $140 per square ft. 1,000 square ft. minimum

We encourage the Commission, to the extent possible, to share what reasonable cost looks like for equipment. Applying the standard of reasonable cost for connectivity charges should be separate and not subject to these standards, as geography and topography play a large role in service costs, along with the type of service that is available to an end user. There will be many locations where connecting to a Wi-Fi hotspot is not possible because that infrastructure has yet to exist. For these outlying students and patrons, satellite connectivity, and its associated higher cost, may be the only option available.

The State of Alaska is open to higher end user device caps for those students or patrons with disabilities, but also recognize that we have encouraged simplicity in the design of this short-term program. Due to the compressed deadline of the ECF, it may not be possible to address all needs in these rules and we are mindful that there are parallel funding streams currently available to address connectivity beyond ECF.

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[11] Rural Internet Options: Satellite Internet vs DSL. Broadband Now. https://broadbandnow.com/guides/satellite-vs-dsl-rural-internet

For instance, in ESSA Title IV, part A, there is a $1.2 billion in annual funding allocation that can be used for connectivity purposes and authorizes activities in the schools that encompass blended learning and technology devices.[12] Elsewhere in the American Rescue Plan Act, there are many streams of funding currently available and those that serve the disabled are focused and able to track and administer these resources.

<div align="center">**Application Process**</div>

We support multiple filing windows as long as there are funds available and, to accomplish this, we recommend a rolling window, as seen in the Rural Health Care fund. If a rolling window is not possible, than we would support a 30 or 45 day abbreviated window, provided that the ECF fund application process has not varied significantly from the customary E-rate process.

Applicants should be encouraged to conduct a needs assessment, but not required to file said assessment with an ECF application. With any filing window (rolling or abbreviated) and abbreviated invoicing, a deadline should be imposed so that there is time to determine if sufficient funds remain for a second application window.

To the extent that there are existing master contracts at the state or local level, we encourage the Commission to allow for those pricing agreements, which have been competitively bid, to be available to applicants absent an FCC Form 470.

<div align="center">**Reimbursement/Invoicing Process**</div>

We strongly believe that applicants must have a choice of Service Provider Invoicing (SPI) *or* Billed Entity Applicant Reimbursement (BEAR) Invoicing. By requiring all applicants to file BEAR Form 472 invoicing, you are making the program significantly more difficult for the applicants. Most applicants will lack the funds to pay a provider for goods or services in full, and requiring them to do so is contrary to providing relief. There will have to be modifications to procedure made to implement this fund, as much as you try to parallel the existing E-rate program (which we encourage). There are many fewer service providers than there are applicants and all providers have direct deposit setup for USAC, whereas many small applicants do not have an FCC Form 498 and corresponding direct deposit relationships established. In the State of Alaska fewer than half of the libraries have a completed FCC Form 498 on file and library budgets of less than $25,000 per year are common. Requiring full payment of these funds, only to be later reimbursed, places an undue burden on those applicants least able to afford it.

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[12] See Every Student Succeeds Act Fact Sheet. Title IV, Part A: Student Support and Academic Enrichment Grants. https://www.shapeamerica.org/events/speakoutday/upload/Title-IV-fact-sheet.pdf

Schools and libraries already sign off on invoices and/or delivery receipts, which could be requested as verification against Service Provider Invoicing. Increasing the number of invoicing outreach inquiries seems reasonable, given the 100% reimbursement rate. Currently, the filing of the FCC Form 486 is the only mechanism preventing invoicing after a Funding Commitment Decision Letter (FCDL) has been issued. We believe the filing of the FCC Form 486 to be a sufficient step for the invoicing process to occur and the current checks and balances of both applicant and provider maintaining invoices and receipts is essential. We understand that, because of the 100% reimbursement, there is added caution for ensuring that invoicing abuse does not occur, but encourage the Commission to not overly burden a large number of small applicants at the expense of a potential few bad actors.

In the interest of simplicity to the applicant, all of the existing E-rate Forms that are familiar to applicants should be used for the Emergency Connectivity Fund. We do believe that additional certifications may be required and that the narrow timeline for the deployment of this fund may not allow for OMB modifications of the existing forms. We believe that applicants should be required to certify that they are not seeking reimbursement for equipment or services that are being funded by other COVID relief programs and that this funding will not supplant funds previously allocated to daily operations.

Schools and libraries should have maximum flexibility in determining the best approach to disposal of equipment after the emergency period. Locations should be allowed to leave equipment in place, as a preparedness measure for any future crisis that arises. For those that elect to remove or recover equipment, the disposal method should be noted in the asset registry for OMB/audit purposes.

We do not believe that CIPA related rules and procedures should be required of the library community for off-campus connectivity when services or equipment are purchased with ECF funds. CIPA certification on the FCC Form 486 should continue to be required of all school applicants.

We support the Commission's proposal to limit reimbursement to those services and equipment that have not otherwise been covered by another federal pandemic relief program. We are silent on where this certification would occur, other than to suggest that if CIPA requirements are to change, as we have suggested, then it would make sense to incorporate all certification changes into one form. In addition, we would support the Commission's extension of the Gift Waiver so that it sunsets with the ECF.

We strongly encourage the Commission to consider making eligible the off-campus use of currently supported E-rate funds for schools and libraries. During times of school closure, the equipment and services currently purchased by E-rate dollars sit as a stranded asset. We respectfully request that the Commission adopt the rule that during times of emergency an eligible entity NOT be required to cost

allocate goods or services used in an ineligible location. If you could waive the cost allocation requirement during these limited times, it would allow our schools and libraries to begin today, without spending any additional funds, on connecting our students, staff and patrons. We believe that this is one of the most cost-effective actions available to the Commission and could be done with the minimum of delay.

Conclusion:

The Alaska Department of Education and Early Development and the Alaska State Library appreciate the opportunity to submit comments on such a momentous program. We believe that the first step in closing the digital homework gap during the COVID-19 pandemic is to immediately waive the cost allocation requirement for off-campus use of E-rate supported broadband services so that schools and libraries may immediately begin to address the needs of their students and patrons during partial or full closures. We are looking forward to rules that take into consideration the disparities between rural and urban populations and recognize the range of poverty that exists across our states and our nation. The Emergency Connectivity Fund represents a tremendous and necessary step in bringing broadband Internet to those students and patrons in our communities. We support a program that prioritizes funding to those low-income locations where the digital divide is the greatest.

Respectfully Submitted,

/s/
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